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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,386	03/01/2002	Franz Fadler	P02,0061	1293
26574	7590	04/29/2005	EXAMINER	
SCHIFF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473			KAO, CHIH CHENG G	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H-A

**Office Action Summary**

Application No.

10/086,386

Applicant(s)

FADLER ET AL

Examiner

Chih-Cheng Glen Kao

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/3/02, 4/21/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because #11 at the top of Figure 3 pointing to the handle should be #10 instead. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities, which appear to be minor draft errors creating grammatical issues

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In the following format (location of objection; suggestion for correction), the following corrections may obviate their respective objections: (abstract, line 1, “device has been an X-ray radiation”; deleting “been”), (page 1, line 20, “so that a user-friendly remote locking is possible”; deleting “a”), (page 2, line 19, “the invention the handle”; inserting - -as- - before “the handle”), (page 2, line 19, “the radiation carrier is pivotable”; deleting “is”), (page 2, line 20, “and is also directly fashioned”; deleting “is”), (page 3, line 13, “Figs. 1 through 3 that the essentially”; replacing “that” with a comma), (page 3, line 17, “end the one of”; replacing “the” with - -of- -), and (page 4, line 3, “with the one leg and the”; inserting a comma after “leg”).

Appropriate correction is required.

### ***Claim Objections***

3. Claims 1, 2, and 4 are objected to because of the following informalities, which appear to be minor draft errors including grammatical and lack of antecedent basis problems.

In the following format (location of objection; suggestion for correction), the following corrections may obviate their respective objections: (claim 1, line 1, “An above-table of transillumination”; deleting “of” and inserting - -device- - after “transillumination” as exemplified in line 1 of claim 2), (claim 1, line 3, “said radiation cater”; replacing “cater” with - -carrier- -), (claim 1, line 10, “a manually actable unlocking lever”; replacing “actable” with - -actuatable- -), (claim 1, line 11, “cater”; replacing “cater” with - -carrier- -), (claim 1, line 12, “manually actable unlocking lever”; replacing “actable” with - -actuatable- -), (claim 2, line 1, “as claimed in Claim I”; replacing “I” with - -1- -), (claim 2, line 2, “that said transmission device”; deleting “that”), (claim 4, line 3, “cater”; replacing “cater” with - -carrier- -).

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For purposes of examination, the claims have been treated as such. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Saffer et al. (US Patent 5838764).

Saffer et al. discloses a device comprising a radiator stand (fig. 1, stand at #4) having a horizontal axis (fig. 1, axis defined by #5), an x-ray radiator (fig. 1, #3), a radiation carrier to which said x-ray radiator is mounted (fig. 1, #1), said radiation carrier being rotatable (col. 3, lines 38-39) around said horizontal axis (fig. 1, #5) for simultaneously rotating said x-ray radiation (fig. 1, #3), an anti-rotation lock disposed for interacting between said radiation carrier (fig. 1, #1) and said radiator stand (fig. 1, #4) to, in a locked state, prevent said rotation of said radiator carrier (fig. 1, #1) around said horizontal axis (fig. 1, #5), said lock having a release lever (col. 4, lines 6-10, and col. 5, lines 8-12) which, when released, allows said rotation (col. 3, lines 38-42), and a manually actuatable unlocking lever (fig. 1, #8) disposed at a front side of said radiator carrier (fig. 1, #1) facing away from said radiator stand (fig. 1, #4), and a transmission device as a Bowden cable (col. 3, line 66) connecting said manually actuatable

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unlocking lever (fig. 1, #8) to said release lever of said lock allowing unlocking of said lock by manual actuation of said unlocking lever (col. 5, lines 8-12).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saffer et al. as applied to claim 1 above, and further in view of Platz et al. (DE 3009496).

Saffer et al. discloses a device as recited above.

However, Saffer et al. does not disclose a C-shaped handle.

Platz et al. teaches a C-shaped handle (fig. 4).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the device of Saffer et al. with the C-shaped handle of Platz et al., since one would be motivated to make such a modification for comfortableness (abstract and fig. 4) as shown by Platz et al.

***Allowable Subject Matter***

6. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and all intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 4, prior art does not disclose or fairly suggest a device including a C-shaped handle fastened to a radiator carrier by fastening legs around which said handle is pivotable relative to said radiation carrier, and wherein pivoting of said handle releases a release lever of a lock, in combination with all the limitations in the claim, intervening claim, and base claim.

### *Conclusion*

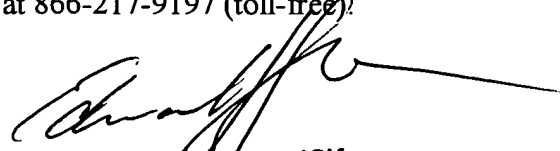
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



gk



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SUPERVISORY PATENT EXAMINER